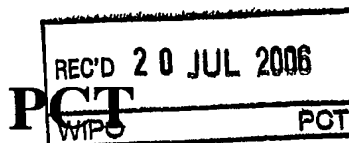


PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
ZER YORAM
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ISRAEL



WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 17 JUL 2006	
FOR FURTHER ACTION See paragraph 2 below	
Applicant's or agent's file reference G-0033-0000	
International application No. PCT/IL05/00639	International filing date (day/month/year) 16 June 2005 (16.06.2005)
Priority date (day/month/year) 17 June 2004 (17.06.2004)	
International Patent Classification (IPC) or both national classification and IPC IPC: A61H 1/02(2006.01) A61H 3/00(2006.01) USPC: 482/69,70;280/657,47.38;601/5,24,26,29	
Applicant YA'AKOV GABAL	

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 19 May 2006 (19.05.2006)	Authorized officer Christopher Ellis Telephone No. (571) 272-3600
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IL05/00639

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
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Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-11</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>6</u>	YES
	Claims <u>1-5,7-11</u>	NO
Industrial applicability (IA)	Claims <u>1-11</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claims 1 and 4 objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: claims 1 and 4 end with a semi-colon; they should end with a period.

WRITTEN OPINION OF THE
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International application No.
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1,3, 5, 7-11 lack an inventive step under PCT Article 33(3) as being obvious over Diez et al. in view of Andolfi.

Diez et al. teaches in Figures 1-9 and respective portions of the specification of an exercise and mobility device comprising:

A horizontal frame (1) assembled with a vertical frame (elements 8,15; Figure 1) wherein the horizontal frame is situated on wheels (3) and the vertical frame is supported and operated via a mechanical mechanism (4) enabling the frame to move between a seated position (user can sit on the device shown in Figure 2) and an upright position (Figure 1);

Diez et al. teaches of using pulleys (98a,b) and cables (80a,b) pulleys positioned on the vertical frame (Figure 7), wherein a cable is stretched between the pulleys and the horizontal frame for controlling the saddle seat position when shifting between a seated position and upright position.

Diez et al. does not show a control panel or an armrest.

Andolfi teaches of a (145) control panel located on the armrest (the control panel is moveable and can be positioned by armrest 137), enabling the user to control all device functions, including positioning of the upper frame relative to the lower frame.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide a control panel, as taught by Andolfi, in the invention taught by Diez et al. to allow a user to control the positioning of the horizontal frame relative to the vertical frame by a hand controller.

In regards to claim 3, Diez et al. teaches of a control unit (21) positioned behind the vertical frame that can be controlled by a second person.

In regards to claim 5, Diez et al. does not show electrically driven wheels. Andolfi teaches in Figure 21 of controlling the wheels of the mobility device by an electric drive. It would have been obvious to one having ordinary skill in the art at the time of invention to provide an electric drive, as taught by Andolfi, in the invention taught by Diez et al. to allow the device to be electrically powered.

In regards to claim 8, it would provide an adjustment for the height of the seat when the device is in the upright position to allow the device to fit a variety of user heights.

In regard to claim 9, Diez et al. teaches of a shoulder straps (17) and pelvic support (16).

In regards to claims 10-11, Diez et al. is silent for the structure of element (4), specifically if element (4) is an electrically driven piston or a hydraulic cylinder. It would have been obvious to one having ordinary skill in the art at the time of invention to use an electrically driven piston or a hydraulic cylinder for the structure of element (4) in the invention taught by Diez et al. and as

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

modified by Andolfi. One would be motivated to use either a hydraulic cylinder or an electrically driven piston based on commercial availability, as both are well-known devices in the mechanical arts.

Claim 2 lack an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of Razon.

Diez et al. as modified by Andolfi discloses the claimed invention except for showing a saddle seat to conform to the user's underside.

Razon teaches of a saddle seat (45) for supporting a user's underside. It would have been obvious to one having ordinary skill in the art at the time of invention to provide a seat, as taught by Razon, in the invention taught by Diez et al. and as modified by Andolfi to stably support a user.

Claim 4 lack an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the first paragraph and further in view of Womack.

Diez et al. as modified by Andolfi disclose the claimed invention except for teaching of controlling the device by voice commands.

Womack teaches of a wheelchair and teaches that it is known in the art for providing a controller that uses voice commands. It would have been obvious to one having ordinary skill in the art at the time of invention to use a voice activated controller, as taught by Womack, in the invention taught by Diez et al. and as modified by Andolfi to allow a paraplegic or a quadriplegic to control the device.